

REMARKS

The Applicant has thoroughly reviewed and carefully considered the arguments presented by the Examiner in the Official Action mailed August 5, 2003, and in view of the Examiner's position, the pending claims have been extensively amended. As now presented, amended Claims 1-14, 16, 17, and newly added Claims 18-24 are all believed to be in condition for allowance.

In rejecting the original Claims 1-8, the Examiner principally relied upon the teaching found in Fasini and Packer. A review of these references clearly shows systems and compositions for enabling a female to deliver liquid compositions for irrigating the vaginal area. As a result, these prior art products and compositions are solely directed to effectively flooding the desired site with the liquid composition defined in the particular prior art disclosure. However, these prior art references do not in any way teach or suggest the delivery of a foam composition or a container constructed for enabling a foam composition to be delivered to a desired internal site.

As a result, Claim 1 has been extensively amended to more specifically define and precisely detail the present invention as a delivery system for enabling the dispensing of a medicinal foam producing composition directly to an internal site in the human body. In this regard, the container is defined as receiving and retaining the medicinal foam producing composition, with closure means affixed to a portal of the container for retaining the medicinal composition. Furthermore, Claim 1 has been amended to

specifically define Applicant's preferred formulation for a medicinal foam producing composition. Finally, Claim 1 specifically details the incorporation of a delivery nozzle or cannula mounted to the closure means, with the construction of that nozzle or cannula being detailed in Claim 1.

As now amended, Claim 1 specifically details a delivery system which is not taught or suggested by any of the cited references. In this regard, no prior art reference teaches or suggests a container which incorporates a medicinal foam producing composition having the formulation defined in Claim 1, in combination with a delivery nozzle or cannula mounted to the closure means of the container and having the construction defined in Claim 1.

By employing the delivery system defined in Claim 1, a user is able to easily achieve delivery of the desired medicinal foam producing composition directly to the internal site where application of the medicinal composition is desired. Since all of the prior art references specifically detail liquid formulations for irrigating an internal site, with no prior art reference teaching or suggesting foam compositions, particularly not the foam composition defined in Claim 1, the Applicant believes that Claim 1 is in condition for allowance. Furthermore, the unique combination of elements defined in Claim 1 enable a variety of cannula mounting systems to be employed, while still assuring the delivery of the medicinal foam composition at the precisely desired site.

Claims 2-8 and newly added Claim 18 are all dependent upon Claim 1 and add novel combinations thereto. For this reason, along with the reasons detailed above in

reference to Claim 1, the Applicant believes that these dependent claims are also in condition for allowance. In particular, Claims 5-8 define specific structural details of the cannula. By employing these structural features, in combination with the elements defined in Claim 1, a unique combination is achieved which assures the continuous, trouble-free production and delivery of the medicinal foam to the precisely desired location.

Claim 9 has been rewritten in independent form, incorporating all significant limitations originally found in Claim 9, as well as the claims upon which Claim 9 originally depended. In the outstanding Office Action, the Examiner indicated that Claim 9 contained allowable subject matter and would be granted if rewritten in independent form. As a result, the Applicant believes that Claim 9 satisfies the Examiner's request and, as now presented, Claim 9 should be found to be in condition for allowance.

Claims 10-12 are all dependent upon Claim 9 and add novel combinations thereto. For this reason, as well as the reasons detailed above in reference to Claim 9, these dependent claims are also believed to be in condition for allowance.

Claim 13 has been rewritten in independent form incorporating all of the significant limitations originally found in Claim 13, and all claims upon which Claim 13 originally depended. Since the Examiner indicated that Claim 13 also contained allowable subject matter, and would be granted if rewritten in independent form, the Applicant believes that Claim 13 as now presented is in condition for allowance.

Claim 14 is dependent upon Claim 13 and adds a novel combination thereto. For this reason, as well as the reasons detailed above in reference to Claim 13, the Applicant believes that Claim 14 is also in condition for allowance.

Claim 16 has also been rewritten in independent form incorporating all of the significant limitations previously found in Claim 16, as well as the claims upon which Claim 16 originally depended. Since the Examiner indicated that the subject matter of Claim 16 also would be allowable, if rewritten in independent form, the Applicant believes that Claim 16 as now presented satisfies this request and that Claim 16 should be found to be in condition for allowance.

Claim 17 is dependent upon Claim 16 and adds a novel combination thereto. For this reason, as well as the reasons detailed above in reference to Claim 16, the Applicant believes that Claim 17 is also in condition for allowance.

Claim 19 is a newly added independent claim defining a medicinal delivery system for enabling the application of an antibacterial/antiviral foam producing composition to a topical and/or internal site of an individual. In Claim 19, the medicinal delivery system is specifically defined as incorporating a foam producing container which is capable of dispensing a foam mousse composition for application of the foam mousse composition to the desired site. In addition, Claim 19 also specifically defines a preferred formulation for the antibacterial/antiviral foam producing composition, with the composition incorporating at least one therapeutic agent selected from the group consisting of silver nanocrystals, silver nitrate solutions, and equivalents thereof.

The Applicant believes that these limitations specifically define and precisely detail a unique medicinal delivery system which is not taught or suggested by the prior art references. As a result, the Applicant believes that Claim 19 as now presented is in condition for allowance.

Claim 20 is a newly added independent claim defining an all natural foam mousse producing medicinal composition which comprises between about 30% and 60% by weight based upon the weight of the entire composition of a vegetable oil-based soap, between about 50% and 90% by weight based upon the weight of the entire composition of water, a pH adjusting agent, and an effective amount of at least one therapeutic agent selected from the group consisting of silver nanocrystals, silver nitrate solutions, and equivalents thereof. The Applicant believes that no prior art reference in any way teaches or suggest an all natural foam mousse producing medicinal composition as defined in Claim 20 and, as a result, Claim 20 is in condition for allowance.

Claim 21 is dependent upon Claim 20 and adds a novel combination thereto. For this reason, as well as the reasons detailed above in reference to Claim 20, Claim 21 is also believed to be in condition for allowance.

Claim 22 is a newly added independent claim defining a method for achieving a foam mousse delivery system for producing a foam medicinal mousse for topical and/or internal use. As defined, the delivery method comprises a housing for retaining a product therein, a finger actuated valve/cap affixed to the housing and constructed for

withdrawing the product from the housing and dispensing the product as a foam mousse, and a product comprising the specific formulation specifically detailed in Claim 22. Furthermore, the product formulation defined in Claim 22 specifically includes, along with other compounds, the incorporation of at least one therapeutic agent selected from the group consisting of silver nanocrystals, silver nitrate solutions, and equivalents thereof. The Applicant maintains that no prior art references in any way teaches or suggests a foam mousse delivery method as defined in Claim 22 and, as a result, Claim 22 should be found to be in condition for allowance.

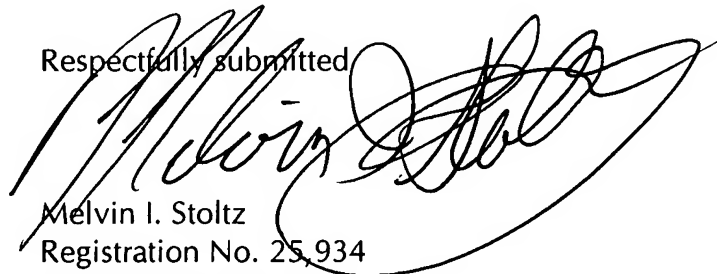
Claim 23 is dependent upon Claim 22 and adds a novel combination thereto. For this reason, as well as the reasons detailed above in reference to Claim 22, Claim 23 is also believed to be in condition for allowance.

Claim 24 is a newly added independent claim defining a method for providing the delivery of a medicinal, antibacterial/antiviral foam mousse composition to a desired site of an individual, comprising the steps of dispensing a medicinal foam mousse from a container housing a medicinal foam producing composition having the specific formulation defined in claim 24, applying the foam mousse to the surface of an applicator, rubbing the medicinal foam mousse bearing applicator on the skin surface to be treated, and rinsing or towel drying the treated skin surface. In addition to these specific steps, the foam mousse producing composition is defined as incorporating a therapeutic agent selected from the group consisting of silver nitrate solutions, silver nanocrystals, and equivalents thereof. The Applicant maintains that no prior art

reference in any way teaches, describes, or renders obvious the unique method defined in Claim 24 and, as a result, Claim 24 should be found to be in condition for allowance.

Based upon the foregoing Amendment and the arguments presented herein, the Applicant believes that Claims 1-14, 16, 17, and newly added Claims 18-24 are all in condition for allowance and an early notice of allowability is earnestly solicited. If any questions exist which can be resolved in a telephone interview, Applicant's undersigned Attorney would gladly discuss any such issues with the Examiner at the Examiner's convenience. For this purpose, Applicant's undersigned Attorney has provided his telephone number below.

Respectfully submitted



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